



Carolina Office of Regulatory Staff (ORS) and between the Companies and ChargePoint. The stipulations entered into between the Companies and ChargePoint contained a provision that stated that the stipulations “may be revisited through additional filings with the Commission should a change in law or regulation occur relative to electric transportation.” Such a change in law occurred on May 17, 2021, when Governor McMaster signed Act 46 into law, which added S.C. Code Ann. § 58-27-1060 and provides that a person or corporation using an electric vehicle (“EV”) charging station to resell electricity to the public shall not be considered an electric utility, subject to certain conditions enumerated in the Act.

Under the approved DC Fast Charging Station Program tariffs, site hosts have the option of charging more than the Companies’ established Fast Charge Fee, but this alternative pricing may not exceed the Fast Charge Fee by more than twenty percent. Under the approved DC Fast Charging Station Program, all revenues resulting from the program, including those resulting from site hosts’ profitable pricing that result in net revenues above the Fast Charge Fee, are remitted to the Companies. Likewise, if a site host’s alternative pricing mechanism results in net revenues below those that would have resulted from the Fast Charge Fee, the site host would be billed for the shortfall.

The Companies and ChargePoint now propose to permit site hosts participating in the ET Pilots to retain revenues in excess of the Fast Charge Fee at charging stations with the twenty percent limit on the pricing exceeding the Fast Charge Fee remaining in place. For the duration of the pilot program, the Companies propose to continue to bill site hosts for any shortfall where a site host’s alternative pricing mechanism results in net revenues

below those that would have resulted from the Fast Charge Fee. The Companies assert that, should the Commission approve this request, the Companies would exclude revenues above the Fast Charge Fee, on a going-forward basis, from their accounting of the revenues associated with the ET Pilots.

### **III. FINDINGS OF FACT**

1. The Commission finds that the requests being made by the Companies and ChargePoint do not constitute a change in any rate or charge to be implemented by the Companies.

2. The requested program modification does not require a determination of the entire rate structure nor overall rate of return of the Companies.

3. The requested program modification does not result in any rate increase to the electrical utilities.

### **IV. CONCLUSIONS OF LAW**

1. S.C. Code Ann. Section 58-27-870(F) explicitly authorizes the Commission to allow rates or tariffs to be put into effect without notice and hearing, "when such rates or tariffs do not require a determination of the entire rate structure and overall rate of return, or when the rates or tariffs do not result in any rate increase to the electrical utility..."

2. The waiver of notice and hearing is granted pursuant to, and consistent with, S.C. Code Ann. Section 58-27-870(F). Because the requested tariff modifications do not require a determination of the entire rate structure of the Companies or result in any rate increase to the Companies, the Commission will consider the modifications without notice or hearing.

3. The request for the tariff changes is in the public interest and does not implicate any additional statutory or regulatory requirements for approval.

**V. ORDERING PROVISIONS**

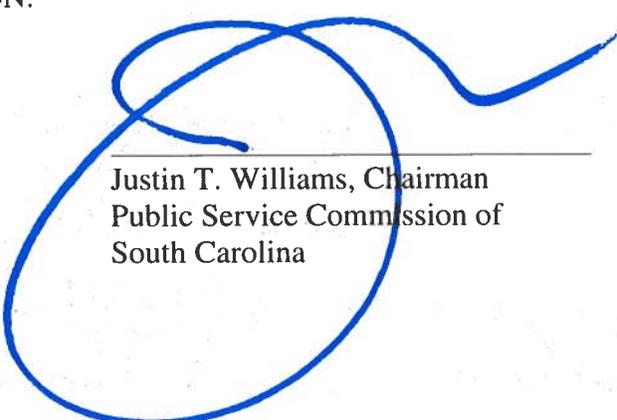
IT IS THEREFORE ORDERED THAT:

1. The request for the approval to change and update the DC Fast Charging Station Pilot Program Tariffs is approved as filed, which are attached as Order Exhibits 1 and 2.<sup>1</sup>

2. This Order shall remain in full force and effect until further order of the Commission.

BY ORDER OF THE COMMISSION:



  
Justin T. Williams, Chairman  
Public Service Commission of  
South Carolina

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<sup>1</sup> Exhibits A and B to the Joint Application to Modify DC Fast Charging Station Program, filed November 11, 2021, are the revised tariffs associated with this request.

DC FAST CHARGING STATION PROGRAM (SC PILOT)

PURPOSE

The purpose of this pilot program is to allow the Company to install, own and operate a foundational network of up to forty (40) Direct Current Fast Charge (DCFC) Electric Vehicle Charging Stations for a period not to exceed thirty-six (36) months. Each location shall include a minimum of two (2) DCFC Electric Vehicle Supply Equipment (EVSE) capable of charging plug-in electric vehicles intended for use on public streets and highways. At the end of the 36-month pilot, Company may seek regulatory approval to continue to own and operate the stations or to sell the stations with any proceeds being credited to program costs.

AVAILABILITY

Station locations will be dispersed at key highway corridor locations throughout Company’s service territory to enable intra- and inter-state electric vehicle travel. Charging services will be available to all electric vehicle owners without preference to Company’s electric service customers.

CHARGING STATION EQUIPMENT

DC Fast Charging Stations are defined as charging equipment which dispense Direct Current with electrical demand requirements of 50 kW or greater. EVSE will include revenue-grade metrology with Wi-Fi, cellular, or other communications to a central server along with load management/curtailment capabilities. Company may adjust charging capacity to assess load characteristics and grid impacts of electric vehicle charging.

CHARGING SERVICES

Payment shall be made by Smart Phone App, Radio-frequency identification (RFID) Card or by Credit Card swipe at the site. The Company will establish a “Fast Charge Fee” based on the approximate statewide average price per kilowatt-hour for fast charging services. Site hosts have the option of creating alternative pricing mechanisms, which may not exceed the Fast Charge Fee by more than twenty percent (20%). ~~Any revenues above the Fast Charge Fee may be retained by the site host.~~

GENERAL

In addition to the usage recording capabilities of the charging station equipment, Company shall have the right to install at its own expense additional metering and load research devices as it deems appropriate to collect the usage characteristics of the electric vehicle charging station equipment.

REGULATORY AUTHORITY

Services rendered under this Agreement are subject to the authority of the South Carolina Public Service Commission and any changes or other modifications lawfully made thereto.

Duke Energy Progress, LLC  
(South Carolina Only)

SC Program FCS-23  
Supersedes Program FCS-2

DC FAST CHARGING STATION  
PROGRAM FCS-~~2~~3 (SC PILOT)

PURPOSE

The purpose of this pilot program is to allow the Company to install, own and operate a foundational network of up to twenty (20) Direct Current Fast Charge (DCFC) Electric Vehicle Charging Stations for a period not to exceed thirty-six (36) months. Each location shall include a minimum of two (2) DCFC Electric Vehicle Supply Equipment (EVSE) capable of charging plug-in electric vehicles intended for use on public streets and highways. At the end of the 36-month pilot, Company may seek regulatory approval to continue to own and operate the stations or to sell the stations with any proceeds being credited to program costs.

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